

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## ~ APPEALS ~

Friday, December 17, 2021  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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### MINUTES

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Members present: Chairman Jordan Russell, Commissioner Megan Tilly, and Commissioner Scott Biggs.

Staff present to support the Commission: Alexander Watkins.

#### **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Russell stated the administrative meeting was being held in compliance with the Open Meetings Act.

**CALL TO ORDER** ..... **Presiding Appellate Officer, Chairman Russell**

Call to order 9:00 a.m. by Chairman Russell, Presiding Appellate Officer.

**ROLL CALL** ..... **Presiding Appellate Officer, Chairman Russell**

After the roll call was taken, Chairman Russell announced the presence of a Quorum.

#### **A. MINUTES:**

- The drafted Minutes of the Regular Appeals Meeting of November 19, 2021, were considered for approval.

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeals Meeting of November 19, 2021, minutes.

**Second:** Commissioner Biggs

**Those Voting Aye:** Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**1. Reba Price v. Brentwood, Guarantee Insurance Co., Lawton Oklahoma Senior Living LP, and Oklahoma Property & Casualty Insurance, File #CM3-2016-05499R**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Claimant represented herself pro se. James B. Cassody appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

*Second:* Commissioner Tilly

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**2. Fernando Colunga v. Greenleaf Nursery Co. Inc. and Great American Insurance Co., File #CM3-2015-01300K**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green appeared for the Claimant and Lindsey Grisamer appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**3. Mark Vorhes v. American Airlines Inc. and New Hampshire Insurance Co., File #CM3-2018-03831R**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn is the attorney of record for the Claimant and Travis R. Colt is the attorney of record for the Respondent.

**STRICKEN**

**4. John Rosson v. Roundtree Automotive Group LLC and State National Insurance Co., File #CM3-2019-03668K**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green appeared for the Claimant. Blake Farris appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

5. **Linda Doakes v. Manpowergroup Inc. and New Hampshire Insurance Co., File #CM3-2018-05137Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Phillip C. Hawkins appeared for the Claimant and Lindsey Grisamer appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Tilly

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

6. **Michelle Morton v. Wal Mart Stores Inc. and Wal Mart Associates Inc. (OWN RISK), File #CM3-2019-07945F**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrell Paul appeared for the Claimant and Jordan S. Ensley appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

*Second:* Commissioner Tilly

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

7. **Patrick Tolon v. Pratt Industries USA Inc. and Travelers Indemnity Co. of America, File #CM3-2020-03727X**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Bret Unterschuetz appeared for the Claimant and H. Grady Parker Jr. appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**8. John Merhib v. BJ Services LLC and Tri State Insurance Company of Minnesota, File #CM3-2020-05485J**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. W. Jeffrey Dasovich appeared for the Claimant and Greg K. Ballard appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**C. Commission Consideration of Adoption of Final Orders in the Following Cases:**

**1. J. Asuncion Abonza v. Exterran Holdings Inc. and American Zurich Insurance Co., File #CM2015-08100F/CM2016-03867H**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Bret A. Unterschuetz appeared for the Claimant. Michael Fagan and Taylor K. Weder appeared for the Respondent.

This case came on for Oral Argument on July 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Abstain:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell and Commissioner Tilly.

**THE MOTION CARRIED: ORDER CONTINUED**

2. **Luis Solorzano v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2015-07759L**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz appeared for the Claimant and Cyrus Nathaniel Lawyer appeared for the Respondent.

This case came on for Oral Argument on October 22, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved adopt the proposed order as drafted and previously circulated.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER ADOPTED**

3. **Earl Appleberry v. Western Flyer Express LLC and United States Fire Insurance Co., File #CM3-2019-07029Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Timothy Kent appeared for the Claimant and Travis A. Fulkerson appeared for the Respondent.

This case came on for Oral Argument on November 19, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved adopt the proposed order as drafted and previously circulated and authorize the Commission's Chairman to sign and file an order on behalf of the Commission.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER ADOPTED**

4. **Dike Okpokiri v. Sodexo Inc. and XL Insurance America Inc., File #CM3-2016-07691Q**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Claimant represented himself pro se and Lindsey Grisamer appeared for the Respondent.

This case came on for Oral Argument on November 19, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Motion:** After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Biggs

**Those Voting Aye:** Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

5. **Stevon Edward Chiles v. Employbridge Holding Co., XL Insurance America Inc., and Resource Manufacturing, File #CM3-2018-07050H**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Claimant represented himself pro se and Victor F. Albert appeared for the Respondent.

This case came on for Oral Argument on October 22, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Motion:** After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Biggs

**Those Voting Aye:** Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**ADJOURNMENT**

**Motion:** Commissioner Biggs moved to adjourn the meeting at approximately 3:10 p.m.

**Second:** Commissioner Tilly.

**Those Voting Aye:** Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**